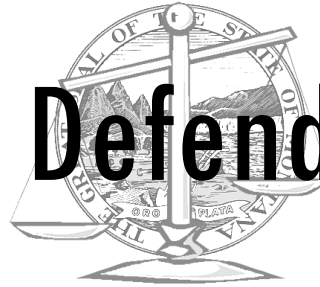


Public Defender News



Special points of interest:

- Lexis for contract attorneys coming soon.
- JustWare implementation complete!
- Newsletter articles wanted! Send to cmdoyle@mt.gov. Next deadline is January 22, 2008.
- Late-breaking news—the fee schedule for mental health services was finalized at the November 9 Public Defender Commission meeting and is on the OPD website.

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Save a Tree?

If you would like to receive an email notification when the newest edition of this newsletter is available on OPD's website, please email cmdoyle@mt.gov and we'll take you off the paper mailing list.

CHIEF'S CORNER

Welcome to the first issue of the Public Defender Newsletter. As you all know, I am often promoting the statewide nature of the public defender system. I believe we should all think “globally” when facing issues and problems within our own offices or courts. This newsletter (originally suggested by Steve Eschenbacher) will be a vehicle for sharing information, issues, victories, defeats and interesting happenings around the state. We just might find that something beneficial to our clients is working in one area and ought to be used in other areas.

We welcome all submissions to future newsletters. Pose a legal question, tell us about an argument that worked for the first time, rat out the latest sneaky trick by a prosecutor, or share something that happened to you to make you really believe this is the best job you could have! All submissions should be sent to Cathy Doyle at cmdoyle@mt.gov. The deadline for the next issue is January 22.

Keep up the good fight!

Randi

UPCOMING TRAINING EVENTS

These sessions are open to all public defenders, including contract attorneys. Check the website for additional training opportunities.

Eliminating Bias: Communication and Defender Practice

November 29 (Pablo)

December 5 (Billings)

December 7 (Great Falls)

This is a day-long **mandatory** interactive workshop which will improve your proficiency in communicating with, and on behalf of, public defender clients. This

training employs a variety of methods including interactive dynamics, experiential exercises, focused practical scenarios, and small and large group discussions. (Please register on-line at <http://publicdefender.mt.gov/trainingupcoming.asp>)

Thinking Like a Prosecutor

December 14 (via satellite)

Contact Eric Olson (eolson@mt.gov or 523-5170) for details on satellite locations.

What interesting things did your IT department learn as part of the JustWare conversion?

Heidi works best if she gets some sleep every third day.

**You can not legally start
a forest fire without
a permit (7-33-
2206).**

Reports! Reports! Reports! Now that we have the capability for good reporting, everyone wants reports (go figure). Canned reports will continue to be loaded into the system. IT will also develop special reports as fast as we can get them written.



"Heaven knows, you couldn't ask for much more in a court-appointed lawyer."

CONTRACTORS' CORNER

Greetings and thanks to all of you contract attorneys for your hard work and endurance over the last year and a half. I want to start this first edition by apologizing to those of you that I have questioned during this start up period. As you are no doubt aware we had a Legislative session during this time and that process caused us some extreme fiscal concern.

Randi, Harry and I have been traveling throughout the state in an attempt to meet with as many contract attorneys as possible. During the last two months we have had meetings in Kalispell, Polson, Missoula, Great Falls, Conrad, Billings and Lewistown. We have meetings tentatively planned for Miles City, Glendive and Wolf Point/Glasgow in December. We hope that those of you in those areas will be able to attend.

The meetings have been exciting. You folks have been able to voice your concerns and offer suggestions on how to make the system less burdensome and function more smoothly. We have been able to explain how the system originated, how it functions, the legislative oversight, the statutory mandates and our plans for the future.

We are all doing the same work for the indigent folks in our communities. We want to create a system where everyone can gain from the toils of others within the system. To that end, we have had some positive developments. Our Commission has authorized us to offer Lexis to those of you who are interested. This would be at a substantially reduced rate of approximately \$20 per month. We need at least 50 commitments before we can initiate the program. Many of you have already indicated your interest, but we understand that some of you are bound by previously entered contracts. We request that those of you who are interested send an email to Cathy Doyle at cmdoyle@mt.gov advising her of your interest and the date when you are available to accept this service.

We are also trying to implement a brief bank which would be available to both our full time employees (FTEs) and our contract attorneys while excluding the general public, in general, and prosecutors, in particular. We envision giving each of you an individualized password to gain access.

Our FTEs enjoy the use of our statewide network where they can launch their questions, issues and ideas for responses from other FTEs. I would like to see our contract attorneys be able to communicate statewide also. I would suggest that if you have an issue, you email it to your Regional Deputy who can then forward it statewide to the FTEs for responses and/or comments. Most of you have email and I have your email addresses, but I keep the same in house. If any of you are willing to share your address with other contract attorneys and thereby set up your own network, please advise Cathy Doyle and I can facilitate the creation of the same.

And now to some housekeeping issues. Many of you are displeased with the CLE requirement contained in the Memorandum of Understanding (MOU). This requirement is set forth in the Standards adopted by the Montana Public Defender Commission. On your behalf, we in the Central Office have urged the Commission to allow us to do performance evaluations. We intend to watch each of you in court and, theoretically, determine that you are competent and therefore not required to complete all of the required CLE hours. I expect most, if not all of you, will be deemed competent. After all we don't contract with incompetent persons.

We recently sent out a mass mailing advising you of the new policy requiring you to submit your bills within 45 days of the last day of the month in which the services claimed were performed. This policy arose because of a few attorneys who were billing us "periodically. Believe it or not there are a few of you who must be independently wealthy and don't need to bill except every six months. *(continued on page 4)*

We are all doing the same work for the indigent folks in our communities. We want to create a system where everyone can gain from the toils of others within the system.

MORE CHANGES AFOOT!

Yes, we know it's hard to believe that the billing process still has not been perfected, but we're getting closer!

Implementation of the new integrated case management system means a new case numbering system. "OPD numbers" will soon be a thing of the past. The new unique case numbers will be generated from JustWare, and promise to be more user-friendly (i.e., shorter!).

We're also working on providing you with a pre-populated claim form. Stay tuned.

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**Office of the State
Public Defender**

*Ensuring equal access
to justice statewide.*

We're on the web!
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CONTRACTORS' CORNER (continued)

This creates a fiscal nightmare because our financial people are required to report to Legislative oversight committees and because they have to create a budget for the next session.

For those of you who have not signed the new MOU, please do. Neither our Commission nor the State's administrative attorneys will allow us to assign new cases to you without you first signing the same. Also please sign and date your claim forms. We are dedicating ourselves to paying them on a first-come, first-served basis. Problems arise when they are not signed or they have incorrect case numbers. We hope in the future to be able to supply you with a claim form on a monthly basis which will already contain the cases you are handling and the correct case numbers. Our current claim form has a column where you should indicate if the

case is open or closed. In the future we will have a system which will enable you to tell us how it was closed, i.e. dismissed, found not guilty, etc.

Thanks for your time. Feel free to contact me directly at lamurphy@mt.gov or by phone, 406.496.6088. I look forward to meeting each one of you personally. Keep your eye on our website for upcoming training events which, of course, can be used to fulfill both our and the State Bar's CLE requirements. Many of the prior seminars are available on DVD and I highly recommend the DUI seminar. These can be obtained by contacting Eric at eolson@mt.gov.

Larry Murphy